(1) (8)

Single Bench

IN THE HIGH COURT OF JUDICATURE, AT BILASPUR
CHHATTISGARH

Criminal Revision No. 149 /2006

REV.PETITIONER

1. Smt. Prabha Sao, W/o. Shri Bhimendra Kumar Sao, aged about 25 years.
2. Himanshu Sao, S/o. Bhimendra Sao aged about 2 years, through natural guardian Smt. Prabha Sao.

Both are R/o. C/o. J.S.Sahu, Q.No.112, Loco Colony, Gudhiyari, P.S. Gudhiyari, Distt. Raipur (C.G.)

998/06

Filed on 28/4/06
by Sh. Suresh Thakur
Date 28/4/06

Versus

RESPONDENTS : Shri Bhimendra Kumar Sao, S/o. Lte Tizau Ram Sao aged about 30 years, Occupation – Agriculture and Service. R/o. In front of Sahu Atta Chakki, P.S.Amanaka Ward, Kota, Distt. Raipur (C.G.)

COMMISSIONER APARNA MALVIYA CG-2073/06 28/04/06 Bilaspur Chhattisgarh

REVISION U/S 19(4) OF THE FAMILY COURTS ACT 1984.

XI-HC-78

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....Cr.Rev.No.149/ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.02.2007

Shri Alok Nigam and Shri F.S.Khare, counsel for the applicants.

Shri Satyendra Sahu, counsel for the respondent.

Heard.

This Criminal Revision is directed against the order dated 26.11.2005 passed by the 2nd Additional Principal Family Court, Raipur whereby the application preferred by the applicants under Section 125 of the Cr.P.C. has been finally disposed of and a maintenance of Rs.400/- & Rs. 250/- respectively has been passed in favour of the applicants on the basis of consent of the parties.

Learned counsel for the applicants submits that the consent, in fact, was accorded for the purposes of adjudication of the application for interim maintenance, however learned Family Court has disposed of the main application for maintenance and consequently, also disposed of the interim application.

It is further argued that the applicants had prayed for maintenance @ Rs. 3000/- and therefore by no stretch of imagination the applicants could have compromised for maintenance.

For the aforesaid reasons the order impugned deserves to be set aside.

P.T.O.

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.Rev.No.149/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have heard counsel for the parties.

I have perused the impugned order.

From perusal of the impugned order it appears that the matter was taken up on the prayer of the parties, who have expressed that they do not want to lead evidence in the case and they are willing that the matter should be adjudicated through mutual compromise and therefore endeavor should be made for compromise and accordingly when parties to the proceedings came to a compromise and consented for award of maintenance as per agreement, the order impugned has been passed.

Section 19(2) of the Family Court Act specifically mentions that "no appeal shall lie from a decree or order passed by the Family Court with the consent of the parties [or from an order passed under Chapter IX of the Code of Criminal Procedure, 1973(2 of 1974).

Since the order has been passed on the basis of mutual consent of the respective parties, I am of the considered opinion that there is no illegality in the impugned order which calls for interference under the revisional jurisdiction. The revision is thus devoid of substance and the same is dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

P.T.O.